

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re CertainTeed Fiber Cement Siding  
Litigation

**MDL Docket No. 2270**

Case No. 2:11-md-02270-TON

This Document Relates to: All Actions

**MOTION BY PLAINTIFF, SETTLEMENT CLASS MEMBER, OBJECTOR GARY  
JUELICH FOR PROTECTIVE ORDER PRECLUDING HIS DEPOSITION AND  
PRODUCTION OF DOCUMENTS**

Gary Juelich (“Juelich”), a plaintiff, settlement class member, and objector in this litigation, by counsel, pursuant to Fed. R. Civ. P. 26(c), respectfully moves the Court for a protective order precluding his deposition by counsel for the settling parties in this matter. Juelich has filed an objection to the proposed Settlement Agreement (“Settlement”) between Plaintiffs and CertainTeed Corporation (“CertainTeed”), conforming his objection to the detailed requirements set forth in the Court-approved Notice of the Settlement and the Preliminary Approval Order. In response to the exercise of this right, counsel for the settlement class, or lawyers acting on their behalf, emailed, on January 15, 2014, a Notice to take the deposition of the Mr. Juelich on January 23, 2014. The notice included multiple document requests.

The deposition of Mr. Juelich should be precluded by the Court because (i) under the terms of the Class Notice, testimony is not a requirement for objecting to the Settlement; (ii) testimony by Juelich is irrelevant to his objection and will not inform the Court’s determination of final approval; (iii) Class Counsel has been provided a detailed, step-by-step analysis of the objection juxtaposed the Settlement Agreement and the objection can be fully addressed by looking to the plain language of the Settlement Agreement; (iv) Class Counsel assisted in the

preparation of, and already have in their possession, Mr. Juelich's responses to Interrogatories and Requests for Production of Documents in the litigation; and (v) requiring the deposition and further production of documents is patently for the purpose of, and will simply create and constitute, annoyance, harassment, oppression and undue burden for Juelich, as well as, based on the facts as they exist here, demean the legal process and violate due process rights of Juelich. The deposition of Juelich would serve no valid or proper purpose and should be precluded through the entry of a protective order.

Mr. Juelich's Memorandum in Support of this motion, as well as a proposed Order pursuant to Local Rule 7.1(a), is submitted herewith.

WHEREFORE Plaintiff, Settlement Class Member, Objector Gary Juelich respectfully requests that the Court enter a protective order pursuant to Fed. R. Civ. P. 26(c)(1) precluding the deposition of Gary Juelich, including the required production of documents; and for such further relief as the Court deems just and proper.

Dated: January 17, 2014

Respectfully submitted,

/s/ John Steward

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**Counsel for Gary Juelich**

**Certificate of Service**

The undersigned hereby certifies that on January 17, 2014, a true and correct copy of the foregoing was filed with the Court through the Court's CM/ECF system which served all counsel of record. Additionally, the foregoing was sent via email on this 17th day of January, 2014, to:

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